

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

PATRICIA S. MILLER

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DOCKET NO. 14 CR 10185-LTS

MOTION TO MODIFY CONDITIONS OF RELEASE

Now comes the defendant, Patricia S. Miller, and respectfully moves this Court to modify the conditions of her pre-trial release to remove the condition requiring a constant third party custodian and/or to remove the condition that she submit to home incarceration monitored via a GPS location monitoring device worn around her ankle at all times. As grounds therefor, defendant states as follows:

1. Mrs. Miller was released on these conditions, as well as numerous other conditions, on June 13, 2014 by a judge in the Western District of Pennsylvania, where Mrs. Miller was arrested.
2. Mrs. Miller has been compliant with all conditions of her release since that date, as confirmed by her supervising probation officer in Pennsylvania.
3. Mrs. Miller is 68 years old with no prior criminal history. She lives at home with her husband and one of her two adult sons, who recently moved back to live with his parents due to Mrs. Miller's situation. Both her husband and son are serving as third party custodians of Mrs. Miller.
4. The government opposes this request, and opposed Mrs. Miller's release at the time of her initial appearance in Pennsylvania. The main reason for their opposition was Mrs. Miller's suicide attempt on May 21, 2014 when FBI agents first confronted her about the criminal activity described in the indictment.
5. As required by the Court, Mrs. Miller began attending biweekly outpatient therapy sessions and taking prescribed anti-depressant medication. Her sessions are now only once per month. She continues to take anti-depressant medication. According to records counsel has reviewed from her treatment provider, Mrs. Miller denies being a danger to herself. Mrs. Miller had no prior psychiatric history until the suicide attempt in May.
6. Because of the conditions of release, either Mrs. Miller's husband or son must remain with her at all times. Her son works approximately ten hours per day, which means that

her husband, who is retired, must stay at home with Mrs. Miller all day. Mrs. Miller cannot leave the house at all without giving probation at least 24 hours' notice. In addition, Mrs. Miller's son has developed a new product, an anti-inflammatory cream for baseball pitchers, that he is trying to market. Mrs. Miller's husband would like to be able to leave the home in order to assist their son with this venture but cannot because of the conditions of Mrs. Miller's release. While Mrs. Miller's family remains supportive of her, the conditions of Mrs. Miller's release are extremely burdensome on them.

For these reasons, Mrs. Miller asks that this Court either remove the condition requiring a third party custodian, or modify the requirements of the third party custodian so that Mrs. Miller does not need constant supervision. As an alternative, Mrs. Miller requests that the Court remove the condition of home incarceration so that she can be permitted to leave the home with her husband during the day. She has demonstrated over the past four months that she is not a serious risk of flight, that she is compliant with the Court's orders, and that her mental health is stable and being monitored by professionals. Her counseling has been reduced to only one session per month, demonstrating that she is not currently a risk to harm herself and can be alone for period of time. Accordingly, Mrs. Miller asks that this Court modify her conditions of release.

PATRICIA S. MILLER,
By her attorney,

/s/ Jane F. Peachy
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on October 17, 2014.

/s/ Jane F. Peachy
Jane F. Peachy